

***New Balance of State Workforce Investment Board<sup>1</sup>***  
**BYLAWS**

Approved July 19, 2011

Pursuant to 29 U.S.C. 2801 et seq. (Workforce Investment Act of 1998), the *New Name of WIB* has been formed to serve as the workforce investment board for Indiana's workforce service area comprised of regions 5, 8, 9, and 11

**ARTICLE I**  
**NAME AND ADMINISTRATIVE SUPPORT**

*Section 1.* The name of this organization is the *New Name of WIB*.

*Section 2.* Pursuant to Department of Workforce Development Policy Number 2010-12, administrative support will be provided by executive staff hired by the chief elected official and the board. All correspondence for the *New Name of WIB* may be addressed in care of:

*New Name of WIB*  
Indiana Department of Workforce Development  
10 N. Senate Avenue  
Indianapolis, Indiana 46204-2277

*Section 3.* The chief elected official and the board are empowered with hiring an Executive Director.

(a) The duties of the Executive Director shall include:

- (1) Coordinating with the *New Name of WIB* chairperson to establish the calendar of meetings and agendas for each meeting;
- (2) Developing informational and supporting materials needed for *New Name of WIB* business;
- (3) Ensuring compliance with the United States Department of Labor and the State Workforce Innovation Council's reporting requirements as they pertain to workforce development concerns;
- (4) Ensuring compliance with the statutory and regulatory stipulations as defined in the Workforce Investment Act and Wagner-Peyser;
- (5) Ensuring compliance with policies established by the State Workforce Innovation Council or the Indiana Department of Workforce Development;
- (6) Convening the *New Name of WIB* Executive Committee; and
- (7) Providing oversight to the *New Name of WIB*'s Youth Council.

---

<sup>1</sup> The name will be chosen at the November 2011 meeting

## **ARTICLE II**

### **PURPOSE AND MISSION**

The *New Name of WIB*'s purpose is to develop and implement an efficient, effective and integrated workforce development system throughout the workforce service area. The comprehensive system will provide employment, education and training programs, and services to aggressively empower Indiana workers to become a highly-skilled, competitive workforce. A skilled workforce will be critical in meeting future business needs of the local workforce service areas, and will encourage growth of business and industry. The *New Name of WIB* works closely with regional workforce boards to determine workforce development needs and to develop ways to meet those needs while maximizing federal funds and avoiding duplication of effort.

## **ARTICLE III**

### **POWERS, FUNCTIONS AND OVERSIGHT RESPONSIBILITIES**

Consistent with the functions required in Section 117(d) of the Workforce Investment Act of 1998, the *New Name of WIB* was established to perform the following:

- (1) Developing and submitting, in partnership with the chief elected official, a local workforce investment plan. Consistent with the requirements in Section 118 of the Workforce Investment Act, the *New Name of WIB* will develop a local plan in collaboration with the chief elected official of the workforce service area and the regional workforce boards within the workforce service area. As is required by Workforce Investment Act regulations, this local plan will be consistent with the State of Indiana's Strategic Workforce Investment Plan.
- (2) Selecting a OneStop Operator, with the agreement of the chief elected official. Consistent with Section 121(d) of the Workforce Investment Act, the *New Name of WIB* will collaborate with regional workforce boards to select OneStop Operators (regional operators) within each of the four regions;
- (3) Selecting eligible providers of Workforce Investment Act youth services, based upon the recommendations of the *New Name of WIB*'s Youth Council. Consistent with Section 123 of the Workforce Investment Act, the *New Name of WIB* shall collaborate with regional workforce boards to identify and competitively procure eligible providers of youth activities in the workforce service area;
- (4) Identifying eligible Workforce Investment Act training providers. Consistent with Section 122 of Workforce Investment Act, the *New Name of WIB*, in collaboration with regional workforce boards, and following the process established by the State Workforce Innovation Council, shall identify eligible providers of training services throughout the workforce service area;
- (5) Identifying and/or contracting with eligible providers for WIA Adult and Dislocated Worker intensive services. Consistent with Section 122 of the Workforce Investment Act, the *New Name of WIB*, in collaboration with regional workforce boards, and following the process established by the State Workforce Innovation Council, shall identify eligible providers of training services throughout the workforce service area;
- (6) Developing a budget for the purposes of carrying out the duties of the *New Name of WIB* subject to the approval of the chief elected official. The *New Name of WIB* shall collaborate with regional workforce boards to develop a budget for the purpose of

carrying out the federally-mandated duties of the board under Section 117 of the Workforce Investment Act.

(a) As is required by IC 22-4.5-8-1, the *New Name of WIB* shall distribute its federal workforce development and employment and training services funds to regional workforce boards.

(7) Conducting oversight of local Workforce Investment Act programs, in partnership with the chief elected official. The *New Name of WIB* shall provide oversight of all workforce investment activities carried out in the workforce service area. The *New Name of WIB* will collaborate with regional workforce boards to ensure that all Workforce Investment Act activities are regularly monitored for both compliance and performance outcomes, and where needed, the *New Name of WIB* will provide technical assistance to regional workforce boards.

(8) Coordinating WorkOne activities with local economic development strategies and promoting employer linkages with such activities;

(9) Negotiating local performance measures with the Governor;

(10) Assisting the Governor with the development and management of a statewide employment statistics system;

(11) Promoting the participation of private sector employers in the statewide workforce investment system;

(12) Ensuring compliance with applicable laws, regulations, and policy. The *New Name of WIB* will ensure that the regions which comprise the workforce service area are implementing and operating workforce investment activities in compliance with applicable state and federal law, regulations, and policy.

#### **ARTICLE IV MEMBERSHIP**

The membership of the *New Name of WIB* will conform to the requirements for local boards, established in Workforce Investment Act Section 117(b), and shall represent the geographic diversity of the workforce service area.

#### **ARTICLE V APPOINTMENTS AND TERMS**

*Section 1.* Members of the *New Name of WIB* are appointed by, and serve at the pleasure of, the workforce service area's Chief Elected Official, the Governor of Indiana. Appointments to the *New Name of WIB* are for two (2) year terms. The Chief Elected Official shall promptly make an appointment to fill any vacancy but only for the duration of the unexpired term.

*Section 2.* The Chief Elected Official shall ensure that individuals appointed to the *New Name of WIB* have sufficient expertise to effectively carry out its duties. This expertise includes: knowledge of the long-term needs of individuals preparing to enter the workforce; the needs of regional labor markets; and the methods for evaluating the effectiveness of training programs in serving varying populations.

## **ARTICLE VI OFFICERS AND ELECTION OF OFFICERS**

*Section 1.* The *New Name of WIB* shall select a chairperson from among the business representatives of the board. The chair shall serve as a member of the Executive Committee.

*Section 2.* Term of Office. The Chairperson shall be selected annually.

*Section 3.* The *New Name of WIB* shall select an individual from among the business representatives of the board to serve as vice chairperson who shall act as chairperson in the absence of the chair, and to serve as a member of the Executive Committee.

*Section 4.* Term of Office. The Vice Chairperson shall serve for a one-year term.

## **ARTICLE VII MEETINGS, QUORUM, AND VOTING**

The *New Name of WIB* shall hold no less than four meetings annually. The *New Name of WIB* shall meet at the call of the chairperson to conduct its business. Meetings shall be held at such places as determined by the chairperson and shall include teleconference convenience for members unable to attend in person. All meetings will be open to the public.

A majority of the appointed members attending in person constitutes a quorum. Each member shall be entitled to one (1) vote for each matter submitted to the membership for a vote at each meeting of the membership. Members must attend in person to cast a vote.

## **ARTICLE VIII ATTENDANCE**

*Section 1.* A *New Name of WIB* member who misses more than one meeting may have their attendance reviewed by the Executive Committee for removal from the council.

*Section 2.* These attendance rules do not apply to meetings of committees. However, *New Name of WIB* members are expected to participate to the best of their abilities on committees and at the meetings of committees.

## **ARTICLE IX COMMITTEES**

*Section 1.* The *New Name of WIB* shall establish an Executive Committee and standing committees to conduct its business.

*Section 2.* The council chairperson will appoint the chairs of the standing committees.

*Section 3.* The Executive Committee is made up of the *New Name of WIB* chairperson, vice chairperson and the chairs of the standing committees. All *New Name of WIB* members may attend any executive committee meeting.

The Executive Committee shall:

- (1) have duties and powers assigned by the *New Name of WIB*
- (2) have the authority to take action on behalf of the *New Name of WIB* (when lacking necessary quorum; in case of an emergency, or on other matters as specifically granted by a majority of the board.)
- (3) report to the *New Name of WIB*, in a timely fashion, on actions taken on behalf of the *New Name of WIB*.
- (4) supervise the affairs of the *New Name of WIB* between regular meetings.
- (5) recommend the establishment of additional Committees
- (6) bring issues of concern to the State Workforce Innovation Council on behalf of the *New Name of WIB*.

*Section 4.* The Youth Council

The *New Name of WIB* Youth Council shall be established in compliance with the requirements found in Section 117(h) of the Workforce Investment Act. Its membership shall be appointed by the *New Name of WIB* Chairperson, and shall adhere to Youth Council membership requirements found in Section 117(h)(2) of WIA.

The Youth Council shall among other duties as assigned:

- (1) Develop a common request for proposal for the procurement of youth service providers, and oversee on behalf of the *New Name of WIB* the vetting and contracting for youth service providers;
- (3) Establish performance metrics for youth services throughout the workforce service area, ensuring alignment with the performance metrics established by the Performance and Compliance Committee and the State Workforce Innovation Council;
- (4) Review oversight reports with respect to youth activities provided by the Department of Workforce Development or contracted compliance staff; and
- (5) Conduct all other duties as required in Section 117(h)(4) of the Workforce Investment Act.

*Section 5.* Requirements for Conducting *New Name of WIB* Committee Business

(1) Committees shall ensure the following requirements are met when conducting official committee business:

(a) Requirements for public notice of meetings:

- (1) Committees must provide notice of meeting at least 48 hours before the meeting;
- (2) Committees must post notice at the building where the meeting is to be held and on the website page assigned to the *New Name of WIB*;
- (3) If an agenda is prepared, committees must make copies available to attendees.

(b) Requirements for open door rules:

- (1) Meetings shall be open to the public to observe and record;
- (2) Meetings shall be accessible to individuals with disabilities;

- (3) Members of the public do not have the right to speak unless the committee expressly allows time for public comment through an agenda item.
- (c) Requirements for actions at the meeting:
  - (1) Committee procedures must follow Roberts Rules of Order;
  - (2) Committee members may attend in person or via conference call or other electronic media, such as video/internet conferencing;
  - (3) A quorum is defined as over 50% of the members of the board. A quorum must be present in person to take official action.
    - (A) Members voting via electronic media shall deliver a written statement by email or U S mail verifying their vote within five business days of meeting.
  - (4) Committee members may not designate a proxy to participate in a meeting.
  - (5) No secret ballot votes are allowed.
- (d) Requirements for keeping meeting minutes:
  - (1) Meeting minutes shall be maintained with the following information:
    - (A) Date, time, and place of meeting;
    - (B) Committee members present or absent noting whether in person or via electronic means;
    - (C) General substance of all matters proposed, discussed, or acted upon;
    - (D) Record of all votes taken, including the member making or seconding a motion and each member's vote.
  - (2) Meeting minutes shall be posted on the page assigned to the *New Name of WIB* within a reasonable timeframe following the meeting.
  - (3) Meeting minutes must be available for public inspection and copying.

#### *Section 6. Use of Electronic Media in Committee Business*

Committee members may use email or other electronic media to communicate regarding *New Name of WIB* committee business between scheduled meetings. Discussion of business via email or other electronic medium does not constitute official business, but is subject to public records requests. All votes or the discussion of votes can only be conducted during an open meeting.

### **ARTICLE X AMENDMENTS TO THE BYLAWS**

These bylaws may be approved, amended, or repealed through adoption of *New Name of WIB* action by a 2/3 majority vote of the members present at any regular meeting providing the proposed changes do not conflict with existing federal or state laws, regulations or guidelines.

## **ARTICLE XI PARLIAMENTARY PROCEDURE**

Parliamentary procedures as laid out in *Roberts Rules of Order, Newly Revised*, shall prevail in all regularly scheduled and special meetings of the Board and including standing or ad hoc committees.

## **ARTICLE XII INDEMNIFICATION**

The *New Name of WIB* and its committees shall operate within the applicable state and federal laws. The State of Indiana shall indemnify every member of the *New Name of WIB* and the member's executors and administrators against all expenses reasonably incurred by or imposed on the member in connection with any actions, suit or proceeding at which the member may be made part by reason of being or having been a member or officer of the *New Name of WIB*, except in relation to matters as to which the member shall be finally adjudged in such conduct, suit, or proceeding to be liable for negligence or misconduct, and in the absence of such final adjudication indemnification shall be provided only in connection with such matters as to which the *New Name of WIB* members are advised by legal counsel that the person to be indemnified committed no such breach of duty. The foregoing right of indemnification shall not be exclusive of any other rights to which such person may be entitled.

## **ARTICLE XIII CONFLICT OF INTEREST**

*New Name of WIB* members shall disclose any potential or real conflict at the earliest possible time and remove themselves from any key decisions or debates where the outcome may or will have an impact on related activities. Members who also hold a voting position on a regional workforce board shall abstain on votes directly affecting the regional board.

*New Name of WIB* members shall scrupulously avoid undisclosed conflicts of interest between the interests of the State of Indiana and the *New Name of WIB*, and personal, professional, and business interests. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest. Upon or before appointment, each *New Name of WIB* member will make a full, written disclosure of interests, relationships, and holdings that could potentially result in a conflict of interest. This written disclosure will be kept on file and updated as appropriate.

In the course of meetings or activities, a board member shall disclose any interests in a transaction or decision where the member, the member's family, including domestic partners, , employer, close associates, including business or other nonprofit affiliations, will receive a benefit or gain. A board member that identifies a potential conflict of interest must abstain from participating in the discussion of, or voting on any matter that the member has a potential conflict of interest.

Each *New Name of WIB* member will be asked to sign a conflict of interest policy document stating the member's understanding that this policy is not meant to supplement good judgment, and the member will respect its spirit as well as its wording.